

AG Contract No.: KR02-0184TRN
ADOT ECS File No. JPA 01-189
Project: US-60
TRACS No: H 5690 01C
Section: Curb, Gutter and Sidewalks
(Turnback)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF WICKENBURG

THIS AGREEMENT is entered into 19 March, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF WICKENBURG, acting by and through its MAYOR and TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 and 11-952 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. Incident to a highway improvement project on US-60 from Los Altos (MP 109.3) to Jefferson Street (MP 110.15), contemplated by the State in the Town, to include minor curb, gutter and sidewalk improvements, at an estimated cost of \$400,000.00, all at State expense, the State and the Town have agreed that upon completion of the improvements, the State will abandon maintenance responsibility and jurisdiction for the curb, gutter and sidewalks from MP 109.3 to MP 110.15 to the Town.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 25176
Filed with the Secretary of State
Date Filed: 03/19/02
Betsy Bayless
Secretary of State

By: Dwight D. Haenewald

II. SCOPE OF WORK

1. The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for the US-60 curb, gutter and sidewalk improvement project, suitable for construction bidding and construction. Incorporate or resolve Town review comments.

b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation due to delays or whatever reason.

c. Upon completion, approve and accept the project improvements as complete.

d. Upon completion of the project improvements, and upon approval by Resolution of the State Transportation Board, transfer maintenance responsibility and jurisdiction for US-60 curb, gutter and sidewalks from Los Altos (MP 109.3) to Jefferson Street (MP 110.15) to the Town.

2. The Town will:

a. Review the design documents and provide comments.

b. Upon approval by Resolution of the State Transportation Board, accept maintenance responsibility and jurisdiction for US-60 curb, gutter and sidewalks from Los Altos (MP 109.3) to Jefferson Street (MP 110.15) within the Town.

c. If applicable, waive the requirements of Arizona Revised Statutes Section A.R.S. 28-7209 (formerly A.R.S. 28-106).

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and transfer; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of performance under this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Town of Wickenburg
Town Manager
155 N. Tegner, Suite A
Wickenburg, AZ 85390

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written

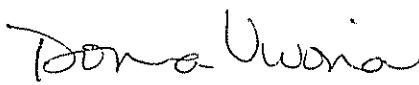
TOWN OF WICKENBURG

By 
LON R. MCDERMOTT
Mayor

STATE OF ARIZONA
Department of Transportation

By 
WILLIAM J. HIGGINS
Deputy State Engineer

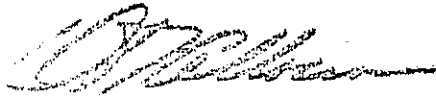
ATTEST

By 
DONNA VIVONA
Town Clerk

RESOLUTION

BE IT RESOLVED on this 15th day of August, 2001, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the STATE OF ARIZONA that the DEPARTMENT OF TRANSPORTATION, acting by and through the INTERMODAL TRANSPORTATION DIVISION, to enter into an agreement with the TOWN OF WICKENBURG, for the purpose of defining responsibilities for the construction and maintenance of the improvement project on US 60, from Los Altos to Jefferson Street, and upon completion, the State will abandon jurisdiction and maintenance of the improvements, to the Town

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



DAVID R. ALLOCCO, P E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG

MONDAY, DECEMBER 17, 2001
7:00 P.M.

COUNCIL CHAMBERS
WICKENBURG, ARIZONA

A. CALL TO ORDER: 7:00 p.m. pursuant to the Meeting Notice of December 12, 2001.

B. PLEDGE OF ALLEGIANCE: Vance Miller led all in the pledge to our Flag.

C. INVOCATION: Led by Pastor Doug Eckert

D. ROLL CALL

Larry "Roach" Roberts	Mayor	Present
Lon McDermott	Vice Mayor	Present
Bill Johnson	Councilmember	Present
Bob Bigler	Councilmember	Present
John Roberts	Councilmember	Present
Jim Girard	Councilmember	Present
Ron Badowski	Councilmember	Excused
Fred Carpenter	Town Manager	Present
Kelly Schwab	Town Attorney	Present
Donna Vivona	Town Clerk	Present

Other Staff Present: Gerald Stricklin, Town Planner; Tony Melendez, Chief of Police; Tom Candelaria, Finance Director; Russell Willis, Public Works Director; Lyle Shaughnessy, Community Services Director; Fred Lizarraga, Municipal Judge; John Zerby, Paramedic Supervisor; Gary Newton, Sergeant; and Cheri Rogers, Camera Operator

Audience/Public Present: Ron Aungst, Brenda McCracken, Joe Jones, Allan Torgerson, Vance Miller, Helen Dudley, Dave Lane, Janet Del Tufo, Carl Jordan, Doug Eckert, Nancy Flann, and Sam Wickham

E. APPROVAL OF MINUTES:

1. Minutes Of The Regular Meeting Of December 3, 2001

MOTION: MOVED TO APPROVE THE MINUTES OF 12/3/01 AS PRESENTED
 BY: COUNCILMEMBER GIRARD
 SECOND: COUNCILMEMBER BIGLER
 VOTE: 6-0-1 (Badowski-Excused)

F. CALL TO THE PUBLIC - No Response

G. TOWN MANAGER'S REPORT - Fred Carpenter

- BYPASS UPDATE: The public meeting was held on December 5th. The Consultants recommended interim Alternative 16 for public hearing, which will be scheduled for a date in February or March of 2002.

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located in Maricopa County. There were minor questions regarding one of the property's located in Yavapai County. Both staff and the Remuda Investments attorney feel they are ready to proceed with the donation acceptance. Mr. Stricklin requested Council authorization to accept the donation of land.

MOTION: MOVED THAT THE TOWN ACCEPT THE GIFT OF APPROXIMATELY 200 ACRES FROM REMUDA RANCH INVESTMENTS, INCORPORATED
BY: COUNCILMEMBER GIRARD
SECOND: COUNCILMEMBER BIGLER
VOTE: 6-0-1 (Badowski-Excused)

6. Discussion/Action On Approval Of An Intergovernmental Agreement For The Town To Accept Ownership And Maintenance Of U.S. 60 From Milepost 109.3 To 110.15 At The Completion Of The Los Altos Drive To Jefferson Street Enhancement Project

Town Planner Stricklin reported the Arizona Department of Transportation has proposed a project that would extend from Jefferson Street West to Los Altos Drive. The project consists of the installation of new sidewalks, where either none exist or the condition suggests it be replaced, new curbing, gutter, realignment of driveways for safety purposes, and landscaping in back of the sidewalk area. Mr. Stricklin indicated Town staff would have input regarding the types of landscape materials including the trees and placement. ADOT has asked the Town to enter into an intergovernmental agreement that would require the Town to maintain the curb, gutter, sidewalk, and landscaped areas once the project is completed. Staff is recommending approval.

Mayor Roberts asked if the agreement included street maintenance. Mr. Stricklin replied no, the street remains US 60 and the Town will not accept ownership of the highway.

Councilmember Johnson requested the plan include certain safety measures regarding the corner where US 60 turns down into Mesquite in terms of Gunnite™ and placement of hand railing. Following further brief discussion,

MOTION: MOVED TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND ARIZONA DEPARTMENT OF TRANSPORTATION TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE SIDEWALKS AND LANDSCAPING; AND, DIRECT STAFF TO DO EVERYTHING POSSIBLE TO ENSURE THE GUNNITE™ ISSUE IS ADDRESSED
BY: COUNCILMEMBER JOHNSON
SECOND: COUNCILMEMBER BIGLER

Councilmember Bigler discussed traffic safety issues of various intersections during construction. He also wanted the intersection of Apache and Jackson Street, where it intersects with a brand new community looked at in terms of traffic problems. Mr. Stricklin replied staff has received numerous calls requesting a stoplight be placed at the corner of Jackson and Apache Streets. He indicated Chief Melendez is in the process of reviewing the situation for future recommendations. Chief of Police Melendez reported he has been discussing the situation with ADOT to resolve several issues.

**AMENDED
MOTION:**

MOVED TO APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN AND ARIZONA DEPARTMENT OF TRANSPORTATION TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE SIDEWALKS AND LANDSCAPING WITH STAFF DIRECTION TO CHECK ON GUNNITE™ BEING IN PLACE AT THE MESQUITE & US 60 INTERSECTION AND ADDRESS THE TRAFFIC SAFETY ISSUES STATED BY COUNCILMEMBER BIGLER
BY: COUNCILMEMBER JOHNSON
SECOND: COUNCILMEMBER BIGLER
VOTE: 6-0-1 (Badowski-Excused)

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7. Discussion/Action On Traffic Engineering Recommendations Submitted By A-N West, Inc. Consulting Engineers Relating To The Intersections Of Jack Burden & Constellation Roads; Apache & Frontier Streets; Mohave & Jefferson Streets; And, Vulture Mine Road Adjacent To Wickenburg High School

Chief of Police Melendez reported the Wickenburg Police Department (WPD) identified the above-cited intersections as being questionable in their traffic control. They were reviewed in-house and forwarded to the Town's safety engineering firm who has since submitted their recommendations. The WPD is requesting Council authorization to proceed with the recommendations presented by A-N West, Inc. Chief Melendez outlined the safety recommendations as follows:

- A new crosswalk installed at the corner of Apache Street and Frontier Streets. **RECOMMENDATION:** A painted crosswalk on the east side of Frontier Street is recommended.
- Jack Burden & Constellation Roads Intersection: The "T" intersection currently has 2 stop signs - one westbound on Constellation Road and one southbound on Jack Burden Road. The traffic proceeding northbound on Jack Burden Road is currently uncontrolled. The current signage should be changed and the intersection has visibility problems. **RECOMMENDATION:** Install a stop sign on the northbound side of Jack Burden Road.
- At the entrance to "My Father's Retirement Ranch" at Mohave and Jefferson Streets thru traffic must make a 90 degree turn to travel from Mohave Street to Jefferson Street and visa versa. **RECOMMENDATIONS:** 1) Install a stop sign at end of both streets; 2) Place directional arrows at the end of both Mohave and Jefferson Streets; and, 3) An optional sign be placed indicating "Private Drive" to the right of the entrance to "My Father's Retirement Ranch".
- Section of Vulture Mine Road adjacent to the Wickenburg High School and Vulture Peak Middle School has deficient signage. **RECOMMENDATIONS:** **NORTHBOUND:** Request County to review location of existing speed limit sign as present location is less than ideal and too close to High School entrance. The current sign indicates "8 a.m. - 5:30 p.m." an alternate bottom panel stating "Monday thru Friday" would be a better option. **SOUTHBOUND:** The roadway to the north of Vulture Peak School should be signed the same as south of the High School. The existing sign north of the High School entrance should be relocated 100 feet north of the entrance road to Vulture Peak School.
- **ADDITIONAL RECOMMENDATIONS:** An S1-1 school advance sign should be located 400 feet north of Vulture Peak School entrance road. An S2-1 school crossing sign should be located to the north of the High School entrance where currently the speed limit sign is located. The right turn lanes into both schools should have updated pavement markings to clearly direct thru traffic.

MOTION: MOVED TO APPROVE TO ACCEPT THE RECOMMENDATIONS BY A-N WEST AND DIRECT STAFF TO BEGIN IMPLEMENTATION PROCEDURES
BY: COUNCILMEMBER BIGLER
SECOND: COUNCILMEMBER GIRARD

Councilmember Roberts asked when an issue like this arises, who submits the request to the traffic engineering firm. Chief Melendez replied the Town Manager provides authorization. Councilmember Roberts asked about the approximate cost of the traffic-engineering firm's recommendations. Town Manager Carpenter reported the costs are minimal, basically \$200 a piece for the purchase of stop signs. The project should come in well under \$1000.

VOTE: 6-0-1 (Badowski-Excused)

THE COUNCIL WENT BACK TO AGENDA ITEM M.2

2. Discussion/Action On Approval Of The Municipal Judge Contract Between the Town and Joseph A. Lizarraga

MOTION: MOVED TO ADJOURN INTO EXECUTIVE SESSION
BY: COUNCILMEMBER BIGLER

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SECOND: COUNCILMEMBER GIRARD
VOTE: 6-0-1 (Badowski-Excused) @ 8:25 P.M.

3. **EXECUTIVE SESSION:** Pursuant To A.R.S. §38-431.03 (A) (4) For Discussion Or Consideration Of Employment, Assignment, And/Or Salaries Of The Municipal Court Judge Lizarraga And For Discussion Or Consultation With The Attorneys Of The Public Body In Order To Consider Its Position And Instruct Its Attorneys Regarding The Public Body's Position Regarding The Municipal Court Judge Contract
Executive Session was held. At the conclusion, Council went back to Agenda Item M-2.

2. Discussion/Action On Approval Of The Municipal Judge Contract Between the Town and Joseph A. Lizarraga

Mayor Roberts reconvened the Regular Council Meeting at 8:46 p.m.

MOTION: MOVED TO APPROVE THE MUNICIPAL JUDGE CONTRACT BETWEEN THE TOWN AND JOSEPH A. LIZARRAGA WITH THE FOLLOWING TERM AND SALARY PROVISIONS: 4 YEARS AT \$21,000 ANNUALLY

BY: COUNCILMEMBER ROBERTS

SECOND: COUNCILMEMBER BIGLER

VOTE: 6-0-1 (Badowski-Excused)

4. Discussion/Action On The Possibility Of Raising The Municipal Court Surcharges To Fund A Court Enhancement Fund And Establish Court Fees
a. Resolution No. 1390

Municipal Judge Lizarraga reviewed the proposed resolution with Council. Following brief discussion,

MOTION: MOVED FOR THE ADOPTION OF RESOLUTION NUMBER 1390

BY: COUNCILMEMBER JOHNSON

SECOND: COUNCILMEMBER BIGLER

VOTE: 6-0-1 (Badowski-Excused)

N. CALL FOR EXECUTIVE SESSION If Necessary: See Agenda Items M-2 and M-3

O. ANNOUNCEMENTS - Per Agenda

P. ADJOURNMENT

MOTION: MOVED TO ADJOURN

BY: COUNCILMEMBER GIRARD

SECOND: COUNCILMEMBER BIGLER

VOTE: 6-0-1 (Badowski-Excused) @ 9:00 P.M.


LON McDERMOTT, VICE MAYOR

ATTEST:

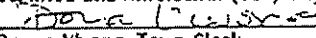


Donna Vivona, Town Clerk

CERTIFICATION OF COUNCIL MEETING MINUTES

I hereby certify that the foregoing is a true and correct copy of the minutes of the regular meeting of the Wickenburg Common Council held on the 17th day of December 2001. I further certify that the meeting was duly called and held and that a quorum was present.

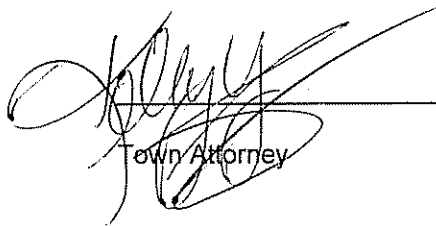
Certified this Nineteenth (19th) Day of December, 2001


Donna Vivona, Town Clerk

APPROVAL OF THE TOWN OF WICKENBURG ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF WICKENBURG and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 19th day of February, 2002



Town Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX. AZ 85007-2926

TRN Main: (602) 542-1680

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MAIN PHONE : (602) 542-5025

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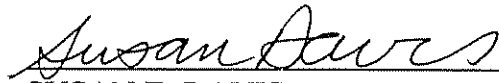
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR02-0184TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED March 13, 2002.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

JTM:ggt

Enc.

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